III. USE AND DIMENSIONAL REGULATIONS

A. SINGLE RESIDENCE

- 1. No building or structure shall be used or arranged or designed to be used in any part and no change shall be made in the use of land or premises, except for one or more of the following purposes:
 - **a.** A detached dwelling for one family.
 - **b.** The taking of boarders or the letting or renting of rooms by a resident family in a dwelling; but no dwelling so used shall be enlarged, but may be remodeled for the same or like purpose.
 - **c.** Home occupations and home offices, as accessory uses within single family dwellings, or buildings accessory thereto, subject to the following conditions:
 - (1) The home occupation or home office shall be clearly incidental and secondary to the use of the dwelling as a residence, shall be located within the dwelling unit or a single accessory building, and shall not change the residential character thereof.
 - (2) The area utilized for the purpose of the home occupation or home office shall not exceed the smaller of (a) twenty-five (25) per cent of the total floor area of the dwelling unit or (b) four hundred (400) square feet.
 - (3) In a home occupation, not more than one (1) non-resident full-time employee, or equivalent thereof, may be employed in a secretarial or like position. In a home office, not more than two (2) non-resident full-time employees, or equivalent thereof, may be employed. Non-resident employees in a home office need not be secretarial or the like, but shall be employed in a capacity supportive of the practice of the resident professional.
 - (4) Not more than three (3) customers, clients, pupils, or patients for business or instruction shall be present at any one time. Customers, clients, etc. shall be present only between the hours of 8:00 a.m. and 9:00 p.m., Monday through Saturday.
 - (5) There shall be no exterior display or storage of goods or materials, and no exterior indication of the home office or occupation other than one non-illuminated identification sign not to exceed two (2) square feet in area.
 - (6) There shall be no noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in a residential area.
 - **d.** Family day care home, as an accessory use to a dwelling, allowing not more than six children in care, provided that said dwelling and provider have received a license from the Office for Children to provide family day care, as defined by Chapter 282 of the General Laws.
 - **e.** Public buildings and grounds not set forth in subsection i. herein; public hospitals and dormitories accessory thereto; passenger stations; water towers; reservoirs; amateur radio towers; private permanent type swimming pools accessory to residential use, subject to all dimensional requirements of the District.
 - **f.** Farms, greenhouses, nurseries and truck gardens; stock farms, cemeteries and the raising of live stock and fowls subject to such conditions as may be prescribed by the Board of Health.
 - g. A garage on the same lot or in the same building to which it is accessory and in which no business or industry is conducted, except such necessary repair work as is not of a hazardous nature. Garage space shall not be provided on such lot for more than two motor vehicles, except that space for one additional motor vehicle may be provided for each 2,000 square feet of area by which the lot area exceeds 4,000 square feet, but space shall not be provided for more than five motor vehicles in any case. Not more than one commercial vehicle shall be stored on such lot.
 - h. Private stables subject to such conditions as may be prescribed by the Board of Health.

- i. Charitable and philanthropic buildings for religious purposes or educational purposes on land owned or leased by the Commonwealth, or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation; provided, however, that such land or structure shall be subject to regulations concerning the bulk and height of structures, yard size, lot area, open space, parking, building coverage, and site plan review requirements in accordance with the provisions of this By-Law.
- **2.** The following uses shall require a special permit from the Zoning Board of Appeals:
 - **a.** Licensed establishment for the care of sick, aged, crippled or convalescent persons.
 - **b.** Private and public golf clubs provided the same are located on a parcel or parcels of land of not less than 50 acres.
 - **c.** Outdoor recreational facilities such as swimming pools, tennis courts (but not including driving ranges or miniature golf) owned or operated by a non-government agency, subject to the following provisions:
 - (1) The use shall not be conducted as a private gainful business.
 - (2) No accessory structure shall be located nearer any lot line than seventy (70) feet.
- **3.** The following uses shall require a special permit from the Planning Board:
 - a. Conversion of a single-family detached dwelling to multifamily use, subject to the following provisions:
 - (1) The structure must have been in existence as a residential structure on March 15, 1939.
 - (2) The total number of dwelling units after conversion shall not exceed the maximum number of single-family lots which could be attained on the parcel in conformance with the use and dimensional regulations of the underlying zoning district, as determined by the Planning Board.
 - (3) In connection with an application for a special permit under this section, an applicant shall submit a plan conforming to the requirements for a preliminary subdivision plan under the Planning Board's rules and regulations for the subdivision of land, or an "approval not required plan" if applicable, indicating the number and layout of single-family dwelling lots attainable under the Zoning By-Law without any variance or other special permit, and without any waiver of said rules and regulations.
 - (4) An application under this section shall be subject to the Site Plan Review provisions of Section IV.I. of this By-Law, regardless of the gross floor area of the structure to be converted.
 - (5) Any special permit issued under this section shall include the following conditions:
 - (a) the parcel for which the special permit has been granted shall not be further subdivided;
 - (b) the structure for which the special permit has been granted shall not be enlarged by any change to the exterior walls or roof;
 - (c) no variance of any sort shall be issued in conjunction with the use for which the special permit has been granted.
 - b. Assisted Living and Congregate Living Housing for the elderly, including non-profits, not-for-profits and for-profits, subject to the following conditions (1) (10) for all new construction and for all rehabilitation/reconstruction of such use in an existing building where the existing footprint or floor area ratio (FAR) have increased; and subject to the following conditions (7) (10) only for the rehabilitation/reconstruction of such use in an existing building where the existing footprint and floor area ratio (FAR) have not increased:
 - (1) the development shall be on a parcel or parcels of land of not less than 5 acres, or not less than 1 acre per 10 units or fraction thereof, whichever acreage calculation is greater in Single Residence and General Residence Districts;
 - (2) the development shall be permitted only on a parcel or parcels of land located on a primary or collector roadway or with direct access to a primary or collector roadway;
 - (3) the Floor Area Ratio (FAR) shall not exceed .25 in Residential zones. In a Business District or Office and Professional District, the specified Floor Area Ratio for the District shall apply;

- (4) the minimum front setback shall be 150 feet, of which at least 75 feet from the streetline shall be landscaped open space;
- (5) the minimum side setback shall be 50 feet, except where the development abuts a lot in single-family, two-family or three-family use, in which case the minimum side setback shall be 200 feet;
- (6) the maximum height of a structure (excluding chimneys, antennas and other appurtenances necessary for the operation of the building) in a Single Residence or General Residence District shall not exceed 2 1/2 stories and shall not exceed 35 feet when set back more than 300 feet of a single family, two-family or three-family residential lot line and shall not exceed 2 stories and shall not exceed 26 feet within 300 feet of a single family, two-family, or three-family residential lot line; in a Business District or Office and Professional District, the underlying height requirement shall apply;
- (7) developments adjoining or facing residential uses, shall provide year-round opaque screening at the time of occupancy, comprised of walls, fences, berms, or evergreen plantings;
- (8) all parking areas shall be provided with year-round opaque screening at the time of occupancy, comprised of walls, fences, berms, or evergreen plantings;
- (9) developments located in a Single Residence District or General Residence District shall be designed for compatibility with the residential character of the area;
- (10) developments shall be subject to Site Plan Review.

c. Historic Reuse

(1) Purpose and Intent

The purpose of this section is to promote the preservation of significant historic structures, neighborhood landmarks and open space, thereby enhancing the community's appearance and safeguarding our common architectural legacy for future generations. The intent of this section is to enable by Special Permit from the Planning Board the creation of alternative uses while maintaining strict controls to preserve all exterior features; to insure sensitivity and compatibility with the surrounding neighborhoods; and to provide an economic incentive to maintain and rehabilitate historic structures. This section is designed to encourage the adaptive reuse of such structure(s) where such reuse would more effectively preserve and enhance the architectural character of the surrounding neighborhood than would the redevelopment of the site following the demolition or significant exterior modification of these landmark structures.

(2) Applicability

The provisions of this section shall apply to all structures 50 years old or older together with any detached accessory structures 50 years old or older on the same lot as the principle structure in conformance with the provisions of this Section herein, provided that said structures are located in a zoning district that allows residential use and that said structures are found at a public hearing before the Historical Commission to be historically or architecturally significant pursuant to the procedures and criteria under Article V: Section 21 of the General By-Laws.

(3) Use and Dimensional Requirements

The reuse of an existing eligible structure(s) must conform to the following requirements:

- (a) the existing uses of the property on which the historic structure(s) is located conform to the requirements of this Zoning By-Law or are lawfully existing non-conforming uses;
- **(b)** the existing structure(s) on the property conform to the requirements of this Zoning By-Law or are lawfully existing nonconforming structures;

- (c) the minimum lot area on which the structure is located is 20,000 square feet or more;
- (d) the existing structure(s) including any attached additions that are considered by the Planning Board an integral part of the principle structure has a minimum floor area of 4,500 square feet or more, excluding any attic or basement areas or porches, decks and patio areas;
- (e) the existing detached structure(s) historically or architecturally significant may be used for the purposes of this Section but shall not be included in the calculation of the minimum floor area of 4,500 square feet; and
- (f) the existing gross floor area of the structure(s) may not be increased by more than 10%.
- (4) Allowed Uses
 - (a) Condominiums are allowed subject to the following limitations:
 - (i) The minimum condominium unit size schedule is

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1 Bedroom – 900 square feet,
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- 2 Bedrooms 1,200 square feet, and
- 3 Bedrooms 1,500 square feet.
- (ii) Studio/Efficiency units are expressly prohibited.
- (iii) Parking Requirement There shall be one (1) parking space per proposed bedroom (including both indoor and outdoor parking spaces), plus 0.5 parking spaces per unit for visitor parking. For all other uses on the premises the number of parking spaces provided shall be accordance with the Section IV.B. of the Zoning By-Law.
- (iv) Location of Parking Areas No parking space shall be constructed forward of an imaginary line drawn through the front façade plane farthest from any front lot line. The Planning Board may waive this requirement if it determines that the site layout or location of the structure(s) makes this requirement unfeasible or that a better plan will result from such a waiver.
- (v) Waiver of the Required Number of Parking Spaces In accordance with Section IV.B.1.c., the Planning Board may by Special Permit reduce the total number of required parking spaces if it deems appropriate and beneficial to the proposed modification or reuse of the structure(s).
- (vi) Condominium Association The applicant shall establish a condominium association for the residents of the structure. The condominium association shall operate in accordance with a Condominium Association Agreement which, along with the Master Deed, Unit Deeds, Bylaws and Rules and Regulations, shall be submitted to the Planning Board and Town Counsel for review to ensure it complies with this By-Law. The Condominium Association Agreement, along with the Master Deed, Unit Deeds, By-Laws and Rules and Regulation shall not be adopted or recorded until approved by the Planning Board and Town Counsel under this provision. The condominium association documents shall provide for the maintenance in perpetuity of the common area land and common facilities including but not limited to any sewage system, water supply, parking facility or lot, landscape feature, common use area, and drainage system including any detention or retention basin. Snow-plowing within the project limits shall be in perpetuity the responsibility of the project owner/developer or subsequent condominium association and not of the Town.
- **(b)** Bed and Breakfast is an allowed use subject to the following limitations:

- (i) the Bed and Breakfast shall be the legal residence of the owner and be owner occupied;
- (ii) the Bed and Breakfast shall be subordinate and incidental to the main residential use of the principle structure;
- (iii) individual guests are prohibited from any single stay at a particular Bed and Breakfast establishment for more than fourteen (14) consecutive days;
- (iv) rooms used for sleeping shall be part of the existing principle structure and shall not have been specifically constructed for rental purposes;
- (v) the primary structure shall contain full living quarters for the property owner;
- (vi) the Bed and Breakfast operation shall not use more than fifty percent (50%) of the principle structure for rental sleeping accommodation purposes. Common areas such as the kitchen, living room or dining room shall not be included in this calculation;
- (vii) the only meal to be provided guests shall be breakfast, and it shall only be served to guests taking lodging in the facility;
- (viii) signs shall be as allowed for other uses in the zoning district;
- (ix) the parking requirement shall be one space per guestroom plus two spaces for the primary residence;
- (x) other uses on the premises shall require parking spaces in accordance with Section IV.B. of the Zoning Bylaw; and
- (xi) the Bed and Breakfast shall be licensed by the Town and shall specifically comply with all of the requirements of the Board of Health.
- (5) Historic Reuse Special Permit Provisions

(a) Requirement

In all instances once a Historic Reuse Special Permit application is filed under this Section, no structure shall be erected, enlarged, or modified and no land shall be divided or subdivided or modified prior to the granting or denial of said Permit.

- (b) Special Permit Application Review Procedure
 - (i) The Planning Board shall be the Special Permit granting authority for the issuance of a Historic Reuse Special Permit. Such special permit application shall be submitted, considered, and issued in accordance with the provisions herein and with Section V.E. of the Framingham Zoning By-Law and all other applicable regulations.
 - (ii) Prior to the filing of an application for Historic Reuse Special Permit, the applicant shall submit plans to the Building Commissioner, who shall advise the applicant as to the pertinent sections of the Zoning By-Law in accordance with Section V.E.2.a.
 - (iii) Following the Building Commissioner review and prior to the filing of a Historic Reuse Special Permit application, the Applicant shall submit copies of the draft application submittal to the Planning Board, the Historical Commission, and the Historic District Commission.
 - (iv) Within sixty (60) days of receipt of the draft application submittal and pursuant to Article V: Section 21. of the General By-Laws, the Historical Commission shall hold a public hearing to

- determine if the structure(s) intended for Historic Reuse is historically or architecturally significant as defined in Article V: Section 21.2.6. of the General By-Laws and shall provide a written report of its findings to the Planning Board.
- (v) Any person intending to submit a Historic Reuse Special Permit application shall have a pre-application conference with the full Planning Board that has been noticed by a community notice sign posted on the property and noticed in the local newspaper, at which time the applicant shall describe the proposed plan and any impacts to the parcel of land that will be required in order to file a complete application. No tree removal, no utility installation, no ditching, no soil or percolation testing, no well testing, no grading or construction of roads (temporary or otherwise), no grading of land or lots, no excavation, no dredging or filling, and no demolition or construction of structures shall be done on any part of the development site until the proposal has been reviewed at the pre-application conference and the Board has given its approval for the required work.
- (vi) If the Historical Commission finds the structures historically and architecturally significant and following the pre-application conference and receipt by the Planning Board of a formal application submittal conforming to the submittal requirements herein and as specified on the application, the Planning Board shall hold a public hearing in accordance with the conduct and notification of public hearings and decisions for all Special Permits pursuant to M.G.L., c.40A., sect. 9 and Section V.E. of the Framingham Zoning By-Law.
- (vii) All boards, commissions, and departments shall, within thirty-five (35) days of receiving a copy of said plan, submit a written report containing recommendations and the reasons therefore to the Planning Board, and may recommend conditions deemed appropriate for the proposed use. In addition to attending the municipal staff review meeting, the Applicant shall meet separately with the Historic District Commission to solicit their input on the Historic Reuse Special Permit application. The Historic District Commission shall review the design elements of the structure(s) and site considering the design standards of Section III.A.3.c.(5)(d) herein. Following said meeting, the Historic District Commission may submit a written recommendation on the Historic Reuse Special Permit application to the Planning Board for consideration during the public hearing. The Planning Board shall not render a decision on any such application until said recommendations have been received and considered or until the thirty-five (35) day period has expired, whichever is earlier. Failure of such agencies to submit their respective recommendations shall be deemed concurrence thereto.
- (viii) The Planning Board, at its discretion and based upon the pre-application conference and preliminary assessment of the scale of the development proposed, may modify or waive the application requirements for submission herein. Such modifications or waivers from the application submission requirements shall be requested in writing with supporting reasons. Any such preliminary waivers granted at the pre-application or preliminary level of review is a preliminary assessment by the Planning Board and such waivers shall not be binding upon the Planning Board.
- (c) Contents and Scope of Applications

The contents and scope for all Applications for Special Permit for Historic Reuse shall include the information listed in Section IV.I.5.a.1. through 16., including impact assessments in accordance with Section IV.I.5.g.(2) Environmental Impact Assessment, Section IV.I.5.g.(4) Community Impact Assessment and Section IV.I.5.g.(5) Parking Impact Assessment of the Framingham Zoning By-Law and shall be prepared by qualified professionals. If the proposed number of condominium units or guest rooms is ten (10) or greater, the Planning Board may require the filing of a Traffic Impact Assessment in accordance with Section IV.I.5.g.(1). All plans shall be prepared by a Professional Engineer, Architect, or Landscape Architect Registered in the Commonwealth of Massachusetts. Applications shall include all information unless waived in conformance with Section IV.I.3.b. of the Framingham Zoning By-Law.

To assist the Planning Board in rendering its decision on the application, said application shall also include the following:

- (i) a narrative stating the historical significance of the structures and/or site, and an architectural description of the structures;
- (ii) photographs of all existing elevations;
- (iii) interior floor plan(s) showing the proposed uses of interior space with the gross floor area for each use;
- (iv) if new construction or additions are proposed, a perspective drawing showing the new construction or additions in relation to existing structure(s) on the site and on adjacent land;
- (v) a plan showing existing and proposed landscaping on the site;
- (vi) a list of any requested waivers with the justification for each; and
- (vii) based upon the scope of the project and physical characteristics of the parcel, the Planning Board may require additional information or supplemental impact statement(s).
- (d) Design Standards for Exterior Changes to Structures and Site

All proposed changes to structure(s) exteriors and to the site shall meet the following Design Criteria:

Scale	All exterior structural changes shall relate well to the pedestrian scale.
Form and Bulk	Facades and rooflines shall be designed to be compatible with the historic style of structure(s).
Façade	Façade materials shall be compatible with the historic styleof the structure(s). Traditional materials such as masonry and wood are encouraged for the exterior facades. The architectural vocabulary should include appropriate, materials, details, lighting fixtures, and signage (if any). The use of blank walls on the front façade(s) (where the structure(s) fronts on a street or streets) shall be discouraged.
Windows	Window styles shall be compatible with the historic style of the structure(s)Windows shall be arranged to give the façade a sense of balance and to compliment the historic fabric of the existing structure.
Doorways	Exterior doors shall be compatible with the historic style of the structure(s). Doorways shall be arranged to give the façade a sense of balance and to compliment the historic fabric of the existing structure.
Service Areas, Utilities and Equipment	Service, loading and trash disposal areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened and shall incorporate effective techniques for visual and noise buffering from adjacent uses.
Exterior Lighting	Outdoor lighting, including lighting on the exterior of the structure(s) or lighting in parking areas, shall be designed and located to minimize glare and light spillover to neighboring properties and shall be at a residential scale and in keeping with the historic architectural style of the structure(s).
Landscaping	All proposed landscaping plans shall preserve to the greatest extent possible existing old growth vegetation and shall be designed to buffer all parking areas and any degrading features from abutters and the public view and to enhance the structural fabric or historical character defining features of the structures by reinforcing or recapturing the historical context of the property.

(e) Findings and Conditions of Approval

The Planning Board shall approve only those applications that meet the Conditions of Approval of a Special Permit pursuant to Section V.E.3.a. and the following conditions:

- (i) the proposal provides for the harmonious relationship of proposed structures and additions to the terrain and to the use, scale, materials, historic character and architecture of existing structure(s) on the site or in the vicinity that have functional or visual relationship to the proposed structures and any additions;
- (ii) the proposal protects Framingham's heritage by minimizing demolition or alteration of historically or architecturally significant uses, structures or architectural elements;
- (iii) the proposal enhances the historic character, streetscapes, open space, trees, plantings, and other natural features of the site;
- (iv) the proposal ensures that the project retains an amount of land substantial enough to protect the public's view of the primary façade of the structure, if the subdivision of land or construction of additional structures is proposed;
- (v) the proposal meets the requirements of the table of design standards, Section III.A.3.c.(5)(d) Design Standards herein;
- (vi) the Historical Commission has determined the structure(s) to be of substantial historic or architectural significance and suitable for preservation and further that the proposal is consistent with the written recommendations of the Historical Commission; and
- (vii) the Historic District Commission has made a favorable written recommendation regarding the proposed design.

(f) Conditions, Limitations and Safeguard

In granting approval of a Historic Reuse Special Permit application the Planning Board may impose conditions, limitations and safeguards which shall be in writing and shall be a part of such approval. In addition to the conditions specified under Section V.E.3.b. of the Framingham Zoning By-Law, such conditions may include, but are not limited to, among other matters and subjects:

- (i) requirement for a preservation restriction on the façade or structure(s) sufficient to preserve the historic and architectural merit of the property; and
- (ii) future development of property subject to a Historic Reuse Special Permit is expressly prohibited without an amendment to said special permit, which shall be upon filing a written petition to the Planning Board and following a public hearing and written finding by the Planning Board that the proposed change or changes do not substantially derogate from the intent and purpose herein and for the purposes of this section. Future development shall mean the creation of additional lots by deed, division, or subdivision as defined under law, a change in use, a change in the exterior of the structure, or a change in the location of a structure or use on the property.

(g) Severability

Any determination that a particular provision or set of provisions of Section III.A.3.c. is invalid or unenforceable shall not render ineffective, unenforceable, or inapplicable the remainder of this Section.

B. GENERAL RESIDENCE

- 1. No building or structure shall be used or arranged or designed to be used in any part and no change shall be made in the use of land or premises, except for one or more of the following purposes:
 - **a.** All uses permissible and as regulated in a Single Residence District.
 - **b.** The following uses shall require a special permit from the Zoning Board of Appeals:
 - (1) Two-family dwellings, subject to the following provisions:
 - (a) The lot and structure shall conform to the existing area, frontage, width, setback, and lot coverage requirements applicable to the zoning district in which they are located. The Zoning Board of Appeals shall not grant a special permit for a nonconforming lot or structure.
 - (b) Off-street parking shall be provided for both dwelling units in accordance with the requirements set forth in Section IV.B., including without limitation the requirements for number of parking spaces and setbacks from lot lines. A minimum of 200 square feet of parking area shall be provided for each required parking space.

C. BUSINESS DISTRICTS

1. Neighborhood Business District (B-1)

- a. Intent:
 - (1) To preserve areas for small businesses in close proximity to residential areas.
 - (2) To preserve uses and encourage development which support pedestrian patronage and alternative transportation in addition to customers arriving by automobile.
 - (3) To reinforce the historic development pattern of the Town's traditional commercial centers, with small lots, small setbacks, parking to the side or rear, and mixed use structures containing a variety of businesses which primarily serve the needs of the surrounding neighborhood.
 - (4) To protect such areas from commercial retail development that draw patrons primarily from outside the neighborhood.
 - (5) To protect adjacent residential neighborhoods from impacts caused by large scale development.
- b. Permitted Uses: No building or structure shall be used or arranged or designed to be used in any part and no change shall be made in the use of land or premises, except for one or more of the following purposes; and further subject to the condition that no individual establishment shall exceed 3,000 square feet in gross floor area per establishment and no building or structure shall exceed 6,000 square feet in gross floor area in the B-1 District, except as regulated under Section III.C.1.f. below. For the purposes of Section III.C.1, the gross floor area of individual establishments shall exclude all or part of the area used for ancillary storage space which is secondary and incidental to the allowed principal use, such that the excluded area may not exceed 50 percent of the area of the principal use.
 - (1) All uses that are permitted in General Residence Districts but subject to any of the conditions and restrictions set forth relative thereto, unless otherwise regulated in this section.
 - (2) Professional or administrative offices.
 - (3) Office or clinic for medical or dental examination or treatment of persons as out-patients, including laboratories incidental thereto.
 - (4) Financial institution, such as bank or credit union.
 - (5) Retail services, including but not limited to a drug or package store; grocery, variety, clothing or shoe store; hardware or household appliance sales and services; music store; computer store; book, card, or stationery store; newsdealer.
 - (6) Personal services, including but not limited to a barber or beautician; pickup or self-service laundry or dry cleaning; garment or shoe makers and repairers; florist; printing, publishing or photocopying; photographer's studio; baker, caterer or confectioner.
 - (7) Artisans, Jewelry Makers, Handicrafts, Artists Studios.
- **c.** The following uses shall require a special permit for use from the Zoning Board of Appeals (See III.C.1.b., above, for size restrictions):
 - (1) Veterinary services or animal groomer, with all activity conducted within an enclosed structure. Noisy activity shall be at least 100 feet from any residential lot line and effectively sound-insulated or screened to protect the neighborhood.

- (2) Lodge, club or private non-profit social or fraternal organization.
- (3) Library, museum, or public or semi-public institution of a philanthropic or charitable character.
- (4) Mortuary, undertaker, or funeral establishment.
- (5) Shop of a plumber, carpenter, electrician, upholsterer or similar workshop or repair establishment conducted entirely within an enclosed structure. All work and storage shall be sufficiently sound-insulated and confined to the premises to protect the neighborhood.
- (6) Trade, professional, or other school, unless exempted by law.
- (7) Day Care facilities for the elderly.
- (8) Restaurant, lunchroom, or other eating establishment primarily for on-premises consumption; other than a fast food establishment.
- (9) Fast Food Establishment, subject to the following conditions: no special permit may be issued for a Fast Food Establishment with a seating capacity which exceeds 36 seats; safety hazards to pedestrians may not be created; and the design of the building must be architecturally compatible with the nearby building group and neighborhood.
- **d.** The following uses shall require a special permit for use from the Planning Board (See III.C.1.b., above, for size restrictions):
 - (1) (reserved)
 - (2) Drive-thru facility associated with a financial institution, containing no more than one lane or window for financial transactions; subject also to the provisions of Section IV.Q.
- **e.** The following uses are not permitted:
 - (1) Drive-thrus, except as permitted under III.C.1.d.(2) above.
- f. The Planning Board may, by Special Permit, grant approval for individual establishments which exceed 3,000 square feet in gross floor area per establishment, subject to the following requirements: 1) The individual establishment shall be located within a building or structure in existence prior to the establishment of the property within a B-1 zone, where such building exceeded 6,000 square feet in gross floor area at such time; 2) No special permit for size may be issued for individual establishments to exceed 50 percent of the existing building gross floor area, and in no event may a special permit be issued for individual establishments in excess of 10,000 square feet per establishment.

2. Community Business District (B-2)

- a. Intent:
 - (1) To preserve business uses which serve nearby residential neighborhoods.
 - (2) To foster compact commercial centers served primarily by automobiles, yet accessible and inviting to pedestrians.
 - (3) To contain general business areas consisting of small shopping centers and commercial strips.
 - (4) To encourage improved visual quality of commercial development.
- **b.** Permitted Uses: No building or structure shall be used or arranged or designed to be used in any part and no change in use, substantial improvement or substantial alteration shall be made, except for one or more of the following purposes; subject to the condition that no individual establishment shall exceed 8,000 square feet in gross floor area per establishment and no building or structure shall exceed 8,000 square feet in gross floor area in the B-2 District, except as regulated in section III.C.2.f, below:
 - (1) All uses that are permitted in B-1, the Neighborhood Business District, Section III.C.1., subsections b., c., d., e. and f., but subject to any of the conditions and restrictions set forth relative thereto, unless otherwise regulated under this Section.
 - (2) Lodge, club or other private non-profit social or fraternal organization.
 - (3) Shop of a plumber, carpenter, electrician, upholsterer or similar workshop or repair establishment conducted entirely within an enclosed structure. All work and storage shall be sufficiently sound-insulated and confined to the premises to protect the neighborhood.
 - (4) Trade, professional, or other school.
 - (5) Personal health and exercise facility, or health club.
- **c.** The following uses shall require a special permit for use from the Zoning Board of Appeals for uses under 8,000 square feet of gross floor area:
 - (1) Fast Food Establishment, subject to the following conditions: no special permit may be issued for a Fast Food Establishment with a seating capacity which exceeds 60 seats; safety hazards to pedestrians may not be created; and the design of the building must be architecturally compatible with the nearby building group and neighborhood.
 - (2) Gasoline service station for the retail sale of gasoline, oil, auto accessories, and accessory convenience items, and for minor automotive repairs and servicing. Accessory servicing and repair shall be permitted if sufficiently sound-insulated and confined to premises to protect the neighborhood. The use shall be subject to special regulations for Service Stations and Outdoor Auto Sales, Section IV.D., herein.
 - (3) Indoor entertainment, amusement or recreation facility, unless exempted by law, such as movie theater, bowling alley, billiard room, or tennis club. Noisy activities shall be at least 100 feet away from any lot line and effectively sound-insulated or screened to protect the neighborhood
 - (4) Establishment for scientific research and development (R&D), provided that the use is operated in compliance with all applicable town, state, and federal health and safety laws and regulations. Uses accessory to activities which are necessary in connection with scientific R&D or related production shall be allowed.
 - (5) Off-street parking facility for the parking or storage on a fee basis of cars and light commercial vehicles. Commercial vehicles shall not exceed a rated capacity of two and one-half tons.

- (6) Radio or Television Studio, without transmitting towers. Satellite dishes must be sufficiently screened to protect the neighborhood from visual impacts.
- **d.** The following uses shall require a special permit for use from the Planning Board (See Section III.C.2.b for size limitation):
 - (1) Landscaper. Abutting properties shall be sufficiently screened for visual and noise impacts to protect the neighborhood.
 - (2) Conversion of non-commercial structure into a boarding or lodging house. The structure for which the Special Permit is sought shall not be enlarged by any change to the exterior walls or roof.
 - (3) Drive-thru facilities associated with any commercial or retail business use; except as noted under III.C.2.e(2) below subject also to the provisions of Section IV.Q.
 - (4) Drive-thru facility or automatic teller machine (ATM) as a principle use; subject also to the provision of Section IV.Q.
- **e.** The following uses are not permitted:
 - (1) Mixed use residential use on the upper floors with an allowed non-residential use on the ground floor of a building.
 - (2) Drive-thru facilities associated with a restaurant or Fast Food Establishment.
- **f.** The Planning Board may, by Special Permit, grant approval for uses set forth in subsections b., c., and d., herein, with 8,000 or greater than 8,000 square feet of gross floor area per establishment up to a maximum size of 50,000 square feet in gross floor area per establishment and may, by special permit, grant approval for a building or structure up to a maximum of 60,000 square feet in gross floor area.

3. General Business Districts (B-3 and B-4)

- a. Intent:
 - (1) To encourage business areas with more expansive uses along regional roadways.
 - (2) To preserve such uses that serve both the Town and surrounding region.
 - (3) To reduce traffic and safety hazards by promoting shared-access driveways, circulation and parking facilities.
 - (4) To foster consolidation of small parcels, prevent scattered small-lot development from impairing the location of expansive business uses, and to encourage concentrated rather than strip development.
 - (5) To encourage improved visual quality of commercial development.
- **b.** Permitted Uses: No building or structure shall be used or arranged or designed to be used in any part and no change shall be made in the use of land or premises, except for one or more of the following purposes:
 - (1) All uses, except detached single- and two-family dwellings, that are permitted in B-2, the Community Business District, Section III.C.2, subsections b., c., d., e. and f. but subject to any of the conditions and restrictions set forth relative thereto, unless otherwise regulated in this Section.
- **c.** The following uses shall require a special permit for use from the Zoning Board of Appeals for uses under 8,000 square feet of gross floor area:
 - (1) Automobile repair garage or paint shop facility located principally within an enclosed structure, subject to special regulations Section IV.D., herein. No vehicles other than those under or awaiting repair or awaiting delivery or pick-up after repair shall be stored overnight on the premises except commercial vehicles used in connection with the principal use.
 - (2) Sale or rental of motor vehicles or trailers, including, but not limited to, used car dealers; sale and installation of vehicle accessories conducted within an enclosed structure, subject to special regulations Section IV.D., herein. Accessory servicing and repair shall be permitted if sufficiently sound-insulated and confined to premises to protect the neighborhood. A used car dealer may not be located within 1,000 feet of another used car dealer unless it is a legal pre-existing use of the land. Such required separation distance shall be measured from all property lines of the proposed use.
 - (3) Open or enclosed storage of vehicles, excluding outdoor storage of junk or inoperative motor vehicles. The use shall be subject to special regulations Section IV.D., herein.
 - (4) Truck or motor freight terminal. Servicing or repair of such vehicles prohibited.
 - (5) Wholesale business and storage, such as building trade suppliers. Storage of flammable liquids and gas prohibited.
- **d.** The following uses shall require a special permit for use from the Planning Board:
 - (1) Uses set forth in subsections b. and c., with 8,000 or greater than 8,000 square feet of gross floor area.
 - (2) Automatic and Self Service Carwashes; subject also to the provisions of Section IV.J.
 - (3) Drive-thru facilities associated with any commercial or retail business use; subject also to the provisions of Section IV.Q.

- (4) Fast Food Establishment.
- (5) Outdoor Entertainment Facility such as miniature golf, driving range or drive-in theater. The use shall not include an Amusement Park. Noisy activities shall be at least 100 feet away from any residential lot line and effectively screened from abutters to protect the neighborhood.
- (6) Hotel or motel.

4. Central Business District (CB)

- a. Intent:
 - (1) To promote general and specialty retail, office, and other commercial uses in a compact downtown area, complemented by a variety of residential environments.
 - (2) To preserve the area as the Town's financial, civic, cultural and governmental center.
 - (3) To promote a livable urban Downtown environment with a multitude of activities and pedestrian presence.
 - (4) To prevent the location of auto-oriented uses which detract from a high level of pedestrian activity.
 - (5) To promote pedestrian flow by preserving unbroken block facades.
 - (6) To encourage improved visual quality of commercial development, which respects the existing urban building pattern.
- **b.** No building or structure shall be used or arranged or designed to be used in any part and no change shall be made in the use of land or premises, except for one or more of the following purposes:
 - (1) All uses that are permitted in B-2, the Community Business District, Section III.C.2., subsections b., c., d., and e., except new single-family and two-family dwellings, but subject to any of the conditions and restrictions set forth relative thereto, unless otherwise regulated in this Section.
 - (2) Single-family and two-family dwellings, only if existing at the time of adoption of this by-law.
- **c.** The following uses shall require a special permit for use from the Zoning Board of Appeals for uses under 8,000 square feet of gross floor area:
 - (1) Hotel.
 - (2) Outdoor or Sidewalk Cafes, ancillary to a restaurant, lunchroom or other eating establishment, other than a fast food establishment.
- d. The following uses shall require a special permit for use from the Planning Board:
 - (1) Uses set forth in subsections b. and c., herein, with 8,000 or greater than 8,000 square feet of gross floor area, without limitation as to maximum size of establishment or building.
 - (2) Light manufacturing, limited to assembly of materials only, and which does not require any processing of new materials, provided that the use is found to be compatible with the intent of this Section, as set forth in subsection a., herein, and with the uses noted in subsection b., herein; provided that the use is operated in compliance with all applicable town, state, and federal health and safety laws and regulations; provided that the use will not detract from an active streetscape at the pedestrian level; and provided that the use will be limited to the upper floors or basement level of a building on primary downtown streets (Concord St., Union Ave., Waverly St., Irving St. and Hollis St.), except where the use is ancillary to a retail or personal service use in a storefront location.
 - (3) Drive-thru facility associated with a financial institution, containing no more than one lane or window for financial transactions; subject also to the provisions of Section IV.Q.
 - (4) Mixed Use -- residential use on any floor above the ground floor of a building combined with an allowed non-residential use or uses on the ground floor and other floors of a building, subject to special regulations Section IV.N. Mixed Use Regulations, herein and Section IV.I. Site Plan Review, herein.
 - (5) Mixed Use Complex, subject to to special regulations Section IV.N. Mixed Use Regulations, herein and Section IV.I. Site Plan Review, herein.
- **e.** The following uses are not permitted:

- (1) Gasoline service station for the retail sale of gasoline, oil, and auto accessories, and for minor automotive repairs and servicing.
- (2) Drive-through facilities, standing alone or accessory to another use, except as permitted under III.C.4.d.(3) above.
- (3) Landscaper.

5. Business District (B)

- a. Intent: To provide the business community of Framingham with an appropriate location for commerce.
- **b.** Permitted Uses: No building or structure shall be used or arranged or designed to be used in any part and no change shall be made in the use of land or premises, except for one or more of the following purposes:
 - (1) All uses that are permitted in General Residence Districts but subject to any of the conditions and restrictions set forth relative thereto.
 - (2) Retail stores and shops for custom work or the making only of articles to be sold at retail on the premises, with less than 8,000 square feet of gross floor area.
 - (3) Business or professional offices and banks and clubs and lodges, with less than 8,000 square feet of gross floor area.
 - (4) Places of business of baker, barber, blacksmith, builder, carpenter, caterer, clothes cleaner and presser, confectioner, contractor, decorator, dressmaker, dyer, electrician, florist, furrier, hairdresser, hand laundry, manicurist, mason, milliner, newsdealer, optician, painter, paperhanger, photographer, plumber, printer, publisher, roofer, shoemaker, shoe-repairer, shoe-shiner, tailor, tin-smith, telephone exchange, telegraph office, undertaker, upholsterer, or wheelwright, with less than 8,000 square feet of gross floor area.
- c. The following uses shall require a special permit from the Zoning Board of Appeals for uses under 8,000 square feet of gross floor area:
 - (1) Light manufacturing and similar uses which may, in specific instances be found to be compatible with the uses mentioned above.
 - (2) Theatres, moving picture shows, bowling alleys, skating rinks, billiard rooms and other commercial amusement places.
 - (3) Retail gasoline and oil stations, garages for storage and repair, sale or rental of motor vehicles or trailers, including, but not limited to, used car dealers, subject to special regulations Section IV.D., herein. A used car dealer may not be located within 1,000 feet of another used car dealer unless it is a legal pre-existing use of the land. Such required separation distance shall be measured from all property lines of the proposed use. A special permit for used car dealers may not be granted in the Central Business District unless it is a renewal of an existing valid special permit.
 - (4) Billboards, as regulated by law and ordinance.
 - (5) Retail dealers in grain, fuel, lumber, and structural materials, milk depots and other commercial, non-manufacturing uses not hereinbefore specified.
 - (6) Hotels, boarding and lodging houses.
 - (7) Retail and wholesale dealers in ice.
 - (8) Trucking terminals, or storage yards for transportation vehicles.
 - (9) Restaurants, whether serving food to be consumed on or off the premises.
- **d.** The following uses shall require a special permit from the Planning Board:
 - (1) Uses set forth in subsections b. and c. herein, with 8,000 or greater than 8,000 square feet of gross floor area.
 - (2) Drive-thru facilities, standing alone or accessory to another use; subject also to the provisions of Section IV.Q.
 - (3) Automatic and Self-service Carwashes (see also Section IV.J.).

D. OFFICE AND PROFESSIONAL DISTRICTS

- 1. No building or structure shall be used or designed to be used in any part and no change shall be made in the use of land or premises, except for one or more of the following purposes:
 - **a.** All uses permissible and as regulated in a Single Residence district.
 - **b.** The following uses shall require a special permit from the Zoning Board of Appeals for uses under 8,000 square feet of gross floor area:
 - (1) Administrative, clerical, statistical and professional offices.
 - (2) Branch banks.
 - **c.** The Planning Board may, by Special Permit, grant approval for uses set forth in subsection b., herein, with more than 8,000 square feet in gross floor area.

E. PLANNED REUSE

1. Purpose and Intent

It is the intent of this district to permit and encourage the appropriate reuse of land and buildings that are no longer needed or suitable for their original use, and to permit reuses which are compatible with the character of the neighborhood and which take into consideration the interests of abutters, neighbors and the public, especially where the site abuts a residential area or the building(s) merit preservation. The provisions of this section shall apply only to land and buildings in municipal ownership on the date of Town Meeting action placing land in this district.

2. Use Regulations

No building or structure shall be used or arranged or designed to be used in any part and no change shall be made in the use of land or premises except for one or more of the following purposes:

- **a.** All uses permissible by right or by special permit in a Single Residence District subject to the same lot size, frontage, and setback regulations as residences in the R-3 Single Residence District.
- **b.** Multi-family or single-family residences at a density greater than that permitted by Section III.E.2.a., subject to the Special Reuse Permit provisions of Section III.E.3.
- **c.** Medical, professional, business, banking, or research and development offices, subject to the Special Reuse Permit provisions of Section III.E.3.
- **d.** Retail service establishments or retail stores, including shops for making articles to be sold at retail on the premises, subject to the Special Reuse Permit provisions of Section III.E.3.

3. Special Reuse Permit Provisions

a. Requirement

In all instances where a Special Reuse Permit is required by this Section, no structure shall be erected, enlarged or used and no land shall be used except in conformity with said Permit. The Zoning Board of Appeals (ZBA) shall be the permit granting authority for such Permits.

b. Application Procedure

Prior to the filing of an application subject to this Section, the applicant shall submit plans to the Building Commissioner who shall advise the applicant as to the pertinent sections of the Zoning By-Law. The applicant shall then submit five copies of the application to the ZBA which shall forthwith transmit one copy each to the Town Clerk, the Engineering Department, the Planning Department, and the Planning Board. Such agencies shall, within 30 days of receiving said copy, submit a report containing recommendations and the reasons therefor to the ZBA, and may recommend conditions deemed appropriate for the proposed use. The ZBA shall not render a decision on any such application until said recommendations have been received and considered, or until the 30-day period has expired, whichever is earlier. Failure of such agencies to submit their respective recommendations shall be deemed concurrence thereto. The conduct and notification of hearings and decisions on applications under this Section shall be in accordance with the procedures for all Special Permits in M.G.L. Ch. 40A. S.9.

c. Contents of Application

To assist the ZBA in rendering its decision on the application, said application shall indicate at least the following:

- (1) Locus plan indicating, for the subject site and for all properties within 1000 feet: lot lines, ownership, location of structures and location of significant landscape features.
- (2) Existing site plan with contours at a maximum of two feet showing location of structures, parking areas, driveways and walkways, and other significant site features.

- (3) Proposed site plan including a plan of the layout of buildings and structures and the proposed use of interior space; a parking plan; a landscaping plan; a drainage plan with contours at a maximum of two feet; a design plan showing the exterior treatment of buildings; and, for areas or buildings having historical or architectural significance, a design plan showing the interior treatment of buildings.
- (4) If new construction or additions are proposed, a perspective drawing showing the new construction or additions in relationship to existing buildings on the site and on adjacent land.
- (5) A traffic report.
- (6) Information pertaining to the financial feasibility and the likelihood of completion of the proposed project.
- (7) Other information as may reasonably be required by the ZBA to ensure compliance with the provisions of this Section.

d. Conditions for Approval

The ZBA shall approve only those applications which meet the following conditions:

- (1) The proposal protects adjoining premises from characteristics of the proposed use which are incompatible, detrimental, offensive, or unsightly.
- (2) The proposal ensures the harmonious relationship of proposed structures and additions to the terrain and to the use, scale, and architecture of existing buildings on the site or in the vicinity that have functional or visual relationship to the proposed structures and additions.
- (3) The proposal preserves and enhances open space, trees, plantings and other natural features of the site.
- (4) The proposal maximizes the privacy of residents on the site and on abutting parcels.
- (5) The proposal ensures that the size, location, design, color, texture, lighting and materials of all permanent signs shall not detract from the use and enjoyment of the site and the surrounding properties.
- (6) The proposal protects Framingham's heritage by minimizing removal or disruption of historic, traditional or significant uses, structures or architectural elements, whether these exist on the site or on adjacent properties.
- (7) The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent ways, property or improvements, and the proposed use will not result in a volume of traffic inappropriate to the public ways providing access to the site.
- (8) Adequate parking facilities are provided in accordance with Section IV. of the Zoning By-Law.
- (9) The proposal provides adequate methods of disposal and storage of wastes resulting from the uses proposed for the site, and adequate methods of drainage for surface water.
- (10) The proposed uses and structures are consistent with any conditions imposed by the Town Meeting on the sale, lease, or transfer of the site.

In approving a Special Reuse Permit the ZBA may attach such conditions and safeguards as are deemed necessary to protect the neighborhood, including a bond or other security to ensure compliance with the conditions of authorization.

e. Occupancy Permit

No building to be occupied for a use requiring a Special Reuse Permit shall be occupied or used without an occupancy permit signed by the Building Commissioner which permit shall not be issued until the development complies in all respects with the site plan approved by the ZBA and any conditions imposed by the ZBA on the granting of a Special Reuse Permit.

F. LIGHT MANUFACTURING DISTRICT

- 1. No building or structure shall be used or arranged or designed to be used in any part and no change shall be made in the use of land or premises, except for one or more of the following purposes:
 - **a.** Any non-residential use permissible and as regulated in general business districts (B-4), except as regulated in paragraph 2. and paragraph 3., below.
 - b. Laboratories, research, experimental and testing.
 - c. Manufacturing of the following:
 - Clothing
 - Electrical Appliances
 - Food Products preparation except as prohibited in Section III. G.
 - Leather goods
 - Machinery parts and accessories, such as bolts, nuts, screws, washers, gears, etc., provided power forges are not
 employed on the premises; small tools, provided power forges are not employed on the premises.

In no case, however, shall basic materials be processed on the premises, a power generating plant be maintained on the premises, nor more than one hundred horsepower to be used as the total capacity in electric motive power for each two thousand square feet of floor area employed for such purposes.

- d. Bottling works.
- **e.** Stone or monument works, employing not more than five workers, and providing any stone cutting be done behind a screen between the site of such cutting and any street line or property line.
- **f.** Municipal plant for the disposal of sewerage, or for the incineration of refuse garbage an municipal sanitary land fill operation.
- **2.** The following uses shall require a special permit from the Planning Board:
 - a. Uses set forth in subsection 1. herein, with 8,000 or greater than 8,000 square feet of gross floor area.
 - **b.** Office and commercial uses permitted in the general business district which require the provision of 50 or more parking spaces, calculated in accordance with Section IV of this Zoning By-Law.
- **3.** The following uses are not permitted:
 - a. Used car dealers, subject to a Class 2 license under M.G.L.A.140 ss.58.

G. GENERAL MANUFACTURING DISTRICTS

- 1. No building or structure shall be used or arranged or designed to be used in any part and no change shall be made in the use of land or premises, except for one or more of the following purposes:
 - **a.** Any non-residential use permissible and as regulated in light manufacturing districts.
 - **b.** Wholesale lumber, fuel, and oil manufacturing establishments.
 - c. Manufacturing of any description utilizing processes free from neighborhood disturbing odors and/or agencies.
- 2. Uses which would be offensive because of injurious or obnoxious noise, vibration, smoke, gas, fumes, odors, dust or other objectionable features, or because hazardous to the community on account of fire or explosion or any other cause shall require a special permit from the Zoning Board of Appeals.
- **3.** The following uses shall require a special permit from the Planning Board:
 - a. Uses set forth in subsection 1. herein, with 8,000 or greater than 8,000 square feet of gross floor area.

H. FLOODPLAIN DISTRICTS

1. Establishment of Districts

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Framingham designated as Zone A, AE, AH, or AO on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Framingham are panel numbers 25017C0501E, 25017C0502E, 25017C0503E, 25017C0504E, 25017C0506E, 25017C0508E, 25017C0509E, 25017C0511E, 25017C0512E, 25017C0514E, 25017C05016, 25017C0517E, 25017C0518E, and 25017C0519E, dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Town Engineer, Building Department, Planning Department, and Conservation Commission.

2. Applicability

- a. All proposed development in a Floodplain District shall require a permit from the Building Commissioner.
- **b.** In addition to a permit from the Building Commissioner, any construction, enlargement, extension, or substantial improvement of a new or existing building for human habitation, normally allowed by right or authorized by special permit in a land area underlying a Floodplain District, shall require a special permit from the Zoning Board of Appeals (ZBA).
- **c.** In the regulatory floodway, any development or encroachment, including fill, which would result in any increase in flood levels during the base flood shall be prohibited.
- **d.** Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones. All subdivision proposals must be designed to assure that:
 - (1) Such proposals minimize flood damage;
 - (2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards.

3. Application Procedure

Prior to the filing of an application subject to this section, the applicant shall submit plans to the Building Commissioner. The Commissioner shall advise the applicant as to the pertinent sections of the Zoning By-Law and the State Building Code particularly Section 744 of such code which is incorporated herein by reference. If a special permit is required, the applicant shall then submit seven copies of the application to the ZBA, who shall forthwith transmit one copy each to the Town Clerk, the Conservation Commission, the Board of Health, the Engineering Department, the Planning Department, and the Planning Board. Such agencies shall, within 30 days of receiving said copy, submit a report containing recommendations and the reasons therefor to the ZBA, and may prescribe conditions deemed appropriate for the proposed use. The ZBA shall not render a decision on any such application until said recommendations have been received and considered, or until the 30-day period has expired, whichever is earlier. Failure of such agencies to submit their respective recommendations shall be deemed concurrence thereto.

To assist the ZBA in rendering its decision on the application, said application shall indicate at least the following:

a. All information normally required in a building permit application.

- **b.** If approval for development must be obtained from the Commonwealth of Massachusetts or the United States Government or any agency or subdivision thereof, such approval shall be obtained, and a copy of the document setting forth such approval, and any conditions imposed thereon, shall be filed with the ZBA as part of this application.
- **c.** The boundary of the special flood hazard area and the regulatory floodway shall be drawn on a plan of the site which shall also include contour lines at a maximum of two foot intervals. Base flood elevation on this site plan shall be certified by a registered professional engineer, architect, or surveyor. In unnumbered A zones base flood elevation data from sources other than the FIRM shall be obtained and reasonably utilized.
- d. Location of existing and proposed sewer disposal facilities, leaching fields, and other utilities.
- **e.** For any building to be occupied as a residence, certification by a registered professional engineer, architect, or surveyor that the proposed structure has been planned and designed to have the lowest floor, including the basement, elevated above the level of the base flood.
- **f.** For any building not to be occupied as a residence, either certification as above that the lowest floor will be elevated above the level of the base flood, or certification by a registered professional engineer or architect that the building is planned and designed so that it will be watertight and anchored to resist forces associated with the base flood.
- g. Other information as may reasonably be required by the ZBA to ensure compliance with the provisions of this section.

4. Conditions for Approval

In rendering its decision, the ZBA shall evaluate the extent to which the application meets the following conditions:

- **a.** All other necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law.
- **b.** New construction (including prefabricated buildings and mobile homes) and substantial improvements will be anchored to prevent flotation and lateral movement, and will be constructed with flood-resistant materials and methods.
- **c.** Proposed development, including utilities, drainage, and paved areas, is located and designed to be consistent with the need to minimize flood damage.
- d. The site plan includes all required information, including base flood elevation data.
- e. New water and sewer systems (including on-site systems) are located and designed to minimize infiltration.
- **f.** New and substantially improved residential buildings have been planned and designed to have the lowest floor (including basement) elevated to or above the base flood level.
- **g.** New and substantially improved non-residential buildings have been planned and designed to have the lowest floor (including basement) elevated to or above the base flood level; or be floodproofed to or above that level.
- **h.** Where floodproofing is used in lieu of elevation, the floodproofing methods used are adequate to withstand the forces associated with the base flood.
- i. Proposed development will not encroach on the regulatory floodway.

5. Occupancy Permit

No building newly constructed or substantially improved within a Floodplain District shall be occupied or used without an occupancy permit signed by the Building Commissioner which permit shall not be issued until the development complies in all respects with the site plan approved by the ZBA and any conditions imposed by the ZBA on the granting of a special permit for development in a Floodplain District. No occupancy permit shall be signed by the Building Commissioner until a Post Construction Elevation Certificate/Flood proofing Certificate has been submitted certifying that the building has been elevated above the level of the base flood or, for non-residential buildings, that the building has been floodproofed at

least to the base flood elevation. In cases where a variance has been granted by the ZBA permitting construction below the base flood level and/or without adequate floodproofing, an occupancy permit may be granted in accordance with the conditions imposed by the ZBA on the granting of a variance.

6. Notification of Watercourse Alteration

In a riverine situation, the Town Engineer shall notify the following of any alteration or relocation of a watercourse:

- a. Adjacent communities affected by the alteration of the watercourse;
- b. NFIP State Coordinator, Massachusetts Department of Conservation and Recreation; and
- c. NFIP Program Specialist, Federal Emergency Management Agency, Region I.

I. OPEN SPACE AND RECREATION DISTRICT

1. Purpose

The purpose of this section is to encourage, preserve and protect land for use for recreational purposes and other uses as enumerated herein; and to conserve natural conditions, open space, wildlife and vegetation for the general welfare of the public.

2. Permitted Uses

No building or structure shall be used or arranged or designed to be used in any part, and no change shall be made in the use of land or premises except for one or more of the following purposes:

- a. Agricultural production, livestock, or animal husbandry; forestry, horticulture, floriculture, and related activities.
- **b.** Wildlife reserve, nature area, or similar conservation use.
- c. Outdoor recreational facility, as defined in Section I.E.1.
- **d.** The following uses require a Special Permit from the Zoning Board of Appeals, except that in no case shall the Zoning Board of Appeals issue a special permit for use on any lot within this district a) such that the gross floor area of all buildings and structures in the district exceed eighteen thousand (18,000) square feet, or b) such that the floor area ratio of all buildings and structures in the district exceeds one percent (.01), whichever is the lesser:
 - (1) Greenhouse or other building for the raising and distribution of agricultural products or plants.
 - (2) Indoor non-profit recreational facilities such as swimming pool, tennis court, skating rink, or children's camp or center.
 - (3) Cultural and Educational Centers for cultural and education programs, events and performances, with indoor and outdoor seating capacity not to exceed a total of 200 seats. Only one such facility may be permitted per District.
 - (4) Ancillary administrative, maintenance and sanitary facilities necessary to serve the recreational uses in the District.
 - (5) Public Driving Ranges on parcels of at least 40 acres.